IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1248 (S/S) of 2005

Smt. Pitambari Bisht,
Wife of Sri Laxman Singh,
Assistant Teacher in Primary School,
Hariawala Kalan, Block – Sahaspur,
District – Dehradun. ……..Petitioner.

V e r s u s.

1. State of Uttaranchal, through Secretary, Education, Civil Secretariat, Uttaranchal, Dehradun.
2. District Education Officer, Dehradun.
3. Head Mistress, Primary School, Chwaki Chamasari, Block – Raipur, District – Dehradun.
4. Head Mistress, Primary School, Dhartawala, Block – Sahaspur, District – Dehradun.

…….Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Lokendra Dobhal, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner, who is working as Assistant Teacher, in Primary School, Hariawala Kalan, Block – Sahaspur, District – Dehradun, has challenged the transfer order dated 30.06.2005 passed by respondent no. 2 i.e. District Education Officer, Dehradun by which the petitioner has been transferred from Primary School, Hariawala Kalan, Block – Sahaspur, District – Dehradun to Primary School, Ghighau, Block – Kalsi, District – Dehradun, on the ground of surplus teacher.

On 03.08.2005, District Education Officer, Dehradun has modified his earlier transfer order dated 30.06.2005 and the petitioner has been transferred to Primary School, Tamil, Block – Vikas Nagar, District – Dehradun.

On the same day i.e. 03.08.2005, District Education Officer has passed another order by which he has cancelled the transfer order of 44 Assistant Teachers, on the ground that Government has framed a policy not to transfer those teachers, who have completed the age of 55 years.

Petitioner made a representation dated 18.08.2005 in this regard to the authorities requesting them to cancel the transfer order of the petitioner. As the petitioner has already completed the age of 55 years and as such, her transfer is against the transfer policy. However, no action has been taken by the authorities concerned on the representation of the petitioner till date, consequently, the petitioner is compelled to file the present writ petition.

In view of the aforesaid circumstances, I direct the respondent no. 2 i.e. District Education Officer, Dehradun, to decide the petitioner's representation dated 18.08.2005 within a period of three weeks from the date of receipt of certified copy of this order. Till the decision is taken on the representation of the petitioner by the respondent no. 2, petitioner shall not be relieved, in case, she has not already been relieved. The petitioner shall submit certified copy of this order before respondent No. 2 by 14.09.2005.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 31, 2005
SKSharma